

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 12887 of 2004

Between:

Konkati Ravi, S/o. Lingaiah,
Bommanapalli Gram Panchayat, R/o. Bommanapalli Village,
Chigurumamidi Mandal, Karimnagar District.

..... PETITIONER

AND

- 1 The District Collector, (Panchayat Wing), Karimnagar,
Karimnagar District.
- 2 The District Panchayat Officer, Karimnagar, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in issuing Proceedings No.A6/1083/2004-Pts dated 12-06-2004 suspending petitioner as Sarpanch of Bommanapalli Gram Panchayat, Chigurumamidi Mandal, Karimnagar District, contrary to the Sub-Section (6) of Section 249 of A.P. Panchayat Raj Act 1994, as bad, arbitrary, illegal and violative of principles of natural justice

Counsel for the Petitioner:MR.C.DAMODHAR REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.12887 OF 2004

ORDER:

The petitioner is Sarpanch of Bommanapalli Gram Panchayat. First respondent by proceedings dt.12.6.2004 suspended the petitioner on certain allegations purporting to exercise power under sub-section (6) of Section 249 of A.P. Panchayat Raj Act, 1994 (for short, the Act). The petitioner was also directed to handover charge to Upa-Sarpanch. Assailing the same, present Writ Petition is filed.

Though interlocutory applications are listed, with the consent of the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj, the Writ Petition itself is heard finally and is being disposed of.

This Court while admitting the Writ Petition on 23.7.2004 passed the following order:

The petitioner has not submitted his explanation to the show cause notice dated 12.5.2004. Whether the petitioner is suspended in exercise of the powers under Section 249(6) of A.P.Panchayat Raj Act, 1994 forever is not known from the impugned order. Therefore, the said suspension is only for a period of three months. Mere non-mentioning of the period in the order will not *prima facie* vitiate the impugned order dated 12.6.2004.... In view of the same, I see no reasons to suspend the same.

As pointed out by this Court in the interim order it is competent for the District Collector to suspend Sarpanch or Member for a period not exceeding three months.

After initial period of three months, it is only the Government that is empowered to extend suspension under second proviso to sub-section (6) of Section 249 of the Act. Even when the Government exercises such power, the suspension period cannot exceed six months. Learned Assistant Government Pleader for Panchayat Raj is not able to say whether the Government has extended the period of suspension after 12.9.2004. Therefore, instead of keeping the Writ Petition pending, following order is passed.

If the Government has not passed any orders extending the period of suspension, petitioner shall be entitled to continue as Sarpanch. It shall, however, be open to the respondents to complete the enquiry initiated against petitioner within two months from the date of receipt of a copy of this order.

With the above observations and directions, the Writ Petition is disposed of. No costs.

2004. _____

(V.V.S.RAO, J)

Note:CC by 20.9.2004

(B.O)

bnr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The District Collector, (Panchayat Wing), Karimnagar, Karimnagar District.
- 2 The District Panchayat Officer, Karimnagar, Karimnagar District.
- 3 2 CCs to G.P. for Panchayat Raj, High Court Bldgs., Hyderabad (OUT)

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